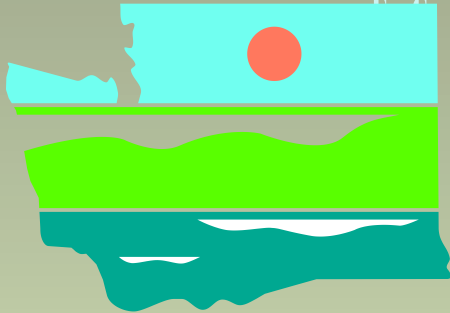
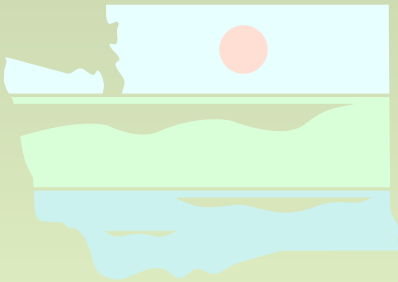


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# Mitigation That Works

## Final Report and Recommendations from Ecology's Forum on Improving Mitigation

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# Why was the Forum established?

## **Lack of initiative**

- A number of multi-stakeholder groups have made recommendations statewide and nationally over the years on how to improve the success rate of mitigation projects. However, there hasn't been good follow through on implementation for a variety of reasons, such as; lack of political support, inflexibility in regulatory requirements, or insufficient funding.

## **Broad dissatisfaction**

- Some progress has been made over the last few years (e.g., Ecology's wetland mitigation compliance program) but there still remains broad dissatisfaction with the permitting process and the environmental outcomes.

# What & Who is the Forum?

## **Mission -**

- To develop and agree on a shared vision for successful mitigation and identify practical actions that can be taken to make all aspects of environmental mitigation work better.
- To build upon and go beyond results of previous efforts such as:
  - Transportation Permit Efficiency and Accountability Committee
  - Shared Salmon Strategy

**Members** - Broad variety including business and developer associations, land trusts, non-profits, and federal, state, and local agencies.

**Timeline** - The Forum met for about one year, from November 2007 through October 2008.

**Result** – To achieve a better approach to mitigation in Washington State, beyond wetland mitigation, in their Recommendations and Actions Report, released December 2008.

# Making Mitigation Work - The Report -

## **1. Reinforce the importance of avoiding and minimizing impacts to resources especially those that are highly valuable and difficult to replace.**

- › Develop avoidance and minimization guidance;
- › Align funding priorities with acquisition and conservation efforts; and
- › Support developing and piloting a menu of market-based techniques.

# Making Mitigation Work - The Report -

## 2. Establish and implement a watershed-based approach to mitigation.

- › Articulate policy priorities and clarify expectations;
- › Compile characterization information in Puget Sound and other high growth areas;
- › Create and maintain a state-wide wetlands status and trends;
- › Expand and improve characterization tools and guidance;
- › Assess how watershed and salmon recovery projects can inform decisions; and
- › Use watershed characterization to inform land use planning decisions.

# Making Mitigation Work - The Report -

## **3. Develop and implement a wide variety of compensatory mitigation tools, as additions to traditional mitigation.**

- › Develop guidance for off-site mitigation as well as advance mitigation;
- › Improve the wetland banking system through training and rule adoption;
- › Establish habitat or conservation banks and develop guidance on crediting for multi-resource conservation banks;
- › Pilot an In-Lieu Fee program in one to three select watersheds; and
- › Support local governments in establishing policies, regulations, and processes for using the full suite of mitigation tools.

Italicized and underlined action items are of particular interest to local governments and planners, as identified in Attachment 2 of the report.

# Making Mitigation Work - The Report -

- 4. Develop more coordinated, predictable approaches to reviewing development projects and associated mitigation plans.**
- › Expand use of the multi-agency concept:
  - › Complete and expand on the Office of Regulatory Assistance's initiative; and
  - › Expand use of programmatic agreements and general permits.

# Making Mitigation Work - The Report -

## 5. Support making mitigation work.

- › Develop and track a suite of standard evaluation metrics and monitoring approaches;
- › Create a compliance monitoring and inspection checklist;
- › Require adaptation or adjustments if mitigation projects not working;
- › Dedicate sufficient resources to monitoring and adaptive management programs at all levels of government;
- › Support local governments with training and technical assistance; and
- › Create a common understanding of what it takes to make mitigation work in the community of practitioners.



# Report Highlights

- Guidance and Use – expand use of and create or revise guidance for a wide variety of mitigation tools, including avoidance and minimization best practices, and off-site.
- Watershed characterization - expand use in a variety of ways.
- Support local governments – to establish policies, regulations, and processes for using new tools; re-training; and increased funding for watershed characterizations.
- In-Lieu Fee program for Puget Sound - Puget Sound Partnership.
- Compliance - continue to support and expand by improving consistency and increasing funding and training at all levels of government.
- Office of Regulatory Assistance's Integrated Project Review and Mitigation Tools Initiative – complete and act on lessons learned.

# A Planner's Perspective

Gathering useful watershed characterization information so that when mitigation is necessary, you have the context to inform your decision-making for:

## Daily Permitting Decisions

Document best practices for avoidance and minimization sequencing, provide scientific support for permit decisions.

- and -

## Long-term Planning

Update language in CAOs and SMPs to allow for mitigation flexibility.

- so that -

You can direct mitigation how and where it makes sense in the watershed and support innovative mitigation decisions at the permit level -

on-site, off-site, mitigation bank, in-lieu fee

# **Broader Connections & Outreach**

## **Budget Possibilities for 2009-2011**

- \$750K request to implement critical action items from the Forum's Report.
- The Governor's budget includes \$5 million for a regional In-Lieu Fee program.

## **Puget Sound Partnership's Action Agenda**


- All of the mitigation improvements being recommended in the Forum's Report are related to the Action Agenda.
- The Partnership's In-lieu Fee program links strongly to the Forum's Action Plan.

## **Communication Strategy**

- Mitigation That Works on Ecology's home page - [www.ecy.wa.gov/mitigation](http://www.ecy.wa.gov/mitigation)
- Updating websites and links.
- Outreach and coordination with tribes and local governments.

# Ecology's New Mitigation Home Page

[www.ecy.wa.gov/mitigation](http://www.ecy.wa.gov/mitigation)




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## Mitigation That Works

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*Sustaining our resources,  
our communities &  
our economy*

**Mitigation means countering the negative environmental impacts that developing the land can have on wetlands, rivers, streams, lakes, and other deep-water habitats.**

### Overview

In Washington State, we spend millions of dollars every year to mitigate the unavoidable adverse effects to important habitats – such as wetlands and shorelines – stemming from development. Yet, studies show that our wetland mitigation efforts are successful only about 50 percent of the time. This is a far cry from the national and state goal of “no net loss” of wetlands. It is likely that other environmental mitigation is equally unsuccessful. This is an unacceptable situation.

### Healthy wetlands = healthy economy

Healthy wetlands and streams are essential to maintain and restore Washington waters, including Puget Sound, and keep our economy vibrant. Wetlands filter drinking water, hold flood waters, recharge groundwater, and provide fish and wildlife habitat and recreation. The more we study wetlands, the more we understand their economic value. For example, flood managers, economists, and water suppliers are finding it costs less to maintain existing wetlands than invest in human-engineered solutions to purify our water and protect us from floods. Wetland mitigation returns real economic benefits to our communities. A recent independent study found fresh water wetlands in the Puget Sound region alone could be worth more than \$10 billion to Washington’s economy. A copy of the report can be found at <http://www.eartheconomics.org/>.

**MAKING  
MITIGATION WORK  
REPORT**

The [Mitigation That Works Forum](#) has released their final recommendations and associated practical actions to improve all aspects of mitigation

**FOCUS ON  
MITIGATION**

Sustaining our remaining wetlands for people, fish and wildlife (PDF)

**WHAT IS A  
MITIGATION BANK?**

General information about wetland mitigation banks

# Next Steps

1. Ecology is lead or co-lead on many of the action items and so is working on an internal implementation plan, assuming existing funding and staff resources.
2. Forum will touch base in ~ six months.
3. Feedback from you on how best to implement the action items of interest to local governments.
  - > **Updates/presentations to planning groups?**
  - > **Templates and model examples on web pages?**
  - > **New or revised trainings?**
  - > **Technical assistance?**
  - > **Workgroups?**
  - > **...?**



## **Ecology's Mitigation Web Site** **[www.ecy.wa.gov/mitigation](http://www.ecy.wa.gov/mitigation)**



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